

1 AMENDMENT TO HOUSE BILL 1475

2 AMENDMENT NO. _____. Amend House Bill 1475 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Heart of Illinois Regional Port District Act.

6 Section 5. Definitions. In this Act:

7 "Airport" means any locality, either land or water, that
8 is used or designed for the landing and taking off of
9 aircraft or for the location of runways, landing fields,
10 airdromes, hangars, buildings, structures, airport roadways,
11 and other facilities.

12 "Board" means Heart of Illinois Regional Port District
13 Board.

14 "District" means the Heart of Illinois Regional Port
15 District created by this Act.

16 "Governmental agency" means the United States, the State
17 of Illinois, any local governmental body, and any agency or
18 instrumentality, corporate or otherwise, thereof.

19 "Governor" means the Governor of the State of Illinois.

20 "Intermodal" means a type of international freight system
21 that permits transshipping among sea, highway, rail, and air
22 modes of transportation through use of ANSI/International

1 Organization for Standardization containers, line haul
2 assets, and handling equipment.

3 "Navigable waters" mean any public waters that are or can
4 be made usable for water commerce.

5 "Person" means any individual, firm, partnership, trust,
6 corporation, both domestic and foreign, company, association,
7 or joint stock association and includes any trustee,
8 receiver, assignee, or personal representative thereof.

9 "Port facilities" mean all public and other buildings,
10 structures, works, improvements, and equipment, except
11 terminal facilities as defined in this Section, that are
12 upon, in, over, under, adjacent, or near to navigable waters,
13 harbors, slips, and basins and that are necessary or useful
14 for or incident to the furtherance of water and land commerce
15 and the operation of small boats and pleasure craft. "Port
16 facilities" includes the widening and deepening of basins,
17 slips, harbors, and navigable waters. "Port facilities" also
18 mean all lands, buildings, structures, improvements,
19 equipment, and appliances located on district property that
20 are used for industrial, manufacturing, commercial, or
21 recreational purposes.

22 "Terminal" means a public place, station, depot, or area
23 for receiving and delivering articles, commodities, baggage,
24 mail, freight, or express matter and for any combination of
25 those purposes in connection with the transportation and
26 movement by water and land of persons and property.

27 "Terminal facilities" mean all lands, buildings,
28 structures, improvements, equipment, and appliances useful in
29 the operation of public warehouse, storage, and
30 transportation facilities for water and land commerce and for
31 handling, docking, storing, and servicing small boats and
32 pleasure craft.

33 Section 10. Heart of Illinois Regional Port District

1 created. There is created a political subdivision, body
2 politic, and municipal corporation by the name of the Heart
3 of Illinois Regional Port District embracing all the area
4 within the corporate limits of Peoria, Fulton, Tazewell,
5 Woodford, Marshall, and Putnam Counties and embracing the
6 corporate limits of Mason County except for Havana Township.
7 Territory may be annexed to the district in the manner
8 provided in this Act. The district may sue and be sued in its
9 corporate name but execution shall not in any case issue
10 against any property of the district. It may adopt a common
11 seal and change the same at its pleasure.

12 Section 15. Property of district; exemption. All
13 property of every kind belonging to the Heart of Illinois
14 Regional Port District shall be exempt from taxation,
15 provided that a tax may be levied upon a lessee of the
16 district by reason of the value of a leasehold estate
17 separate and apart from the fee or upon any improvements that
18 are constructed and owned by others than the district.

19 All property of the Heart of Illinois Regional Port
20 District shall be construed as constituting public grounds
21 owned by a municipal corporation and used exclusively for
22 public purposes within the tax exemption provisions of
23 Sections 15-10, 15-15, 15- 20, 15-30, 15-75, 15-140, 15-155,
24 and 15-160 of the Property Tax Code.

25 Section 20. Duties. The port district shall have all of
26 the following duties:

27 (a) To study the existing harbor plans within the area
28 of the district and to recommend to the appropriate
29 governmental agency, including the General Assembly of
30 Illinois, any changes and modifications that may from time to
31 time be required by continuing development and to meet
32 changing business and commercial needs.

1 (b) To make an investigation of conditions within the
2 area of the district and to prepare and adopt a comprehensive
3 plan for the development of port facilities and intermodal
4 facilities for the district. In preparing and recommending
5 changes and modifications in existing harbor plans or a
6 comprehensive plan for the development of port facilities and
7 intermodal facilities, the district may, if it deems
8 desirable, set aside and allocate an area or areas within the
9 lands held by it to be used and operated by the district or
10 leased to private parties for industrial, manufacturing,
11 commercial, recreational, or harbor purposes, where the area
12 or areas are not, in the opinion of the district, required
13 for its primary purposes in the development of intermodal,
14 harbor, and port facilities for the use of public water and
15 land transportation, or will not be immediately needed for
16 those purposes, and where the use and operation or leasing
17 will in the opinion of the district aid and promote the
18 development of intermodal, terminal, and port facilities.

19 (c) To study and make recommendations to the proper
20 authority for the improvement of terminal, lighterage,
21 wharfage, warehousing, transfer, and other facilities
22 necessary for the promotion of commerce and the interchange
23 of traffic within, to, and from the district.

24 (d) To study, prepare, and recommend by specific
25 proposals to the General Assembly changes in the jurisdiction
26 of the district.

27 (e) To petition any federal, State, municipal, or local
28 authority, administrative, judicial, and legislative, having
29 jurisdiction in the district for the adoption and execution
30 of any physical improvement, change in method, system of
31 handling freight, warehousing, docking, lightering, and
32 transfer of freight that, in the opinion of the district, may
33 be designed to improve or better the handling of commerce in
34 and through the district or improve terminal or

1 transportation facilities within the district.

2 (f) To foster, stimulate, and promote the shipment of
3 cargoes and commerce through ports, whether originating
4 within or without the State of Illinois.

5 (g) To acquire, construct, own, lease, and develop
6 terminals, wharf facilities, piers, docks, warehouses, bulk
7 terminals, grain elevators, tug boats, and other harbor
8 crafts, and any other port facility or port-related facility
9 or service that it finds necessary and convenient.

10 (h) To perform any other act or function that may tend
11 to or be useful toward development and improvement of
12 harbors, sea ports, and port-related facilities and services
13 and to increase foreign and domestic commerce through the
14 harbors and ports within the port district.

15 (i) To study and make recommendations for river
16 resources management and environmental education within the
17 district, including but not limited to, wetlands banks,
18 mitigation areas, water retention and sedimentation areas,
19 fish hatcheries, or wildlife sanctuaries, natural habitat,
20 and native plant research.

21 Section 25. Changes in harbor plans. Any changes and
22 modifications in harbor plans within the area of the port
23 district from time to time recommended by the district or any
24 comprehensive plan for the development of the port facilities
25 adopted by the district, under the authority granted by this
26 Act, shall be submitted to the Department of Natural
27 Resources for approval and approval by the Department shall
28 be conclusive evidence, for all purposes, that these changes
29 and modifications conform to the provisions of this Act.

30 Section 30. Rights and powers. The port district shall
31 have the following rights and powers:

32 (a) To issue permits for the construction of all

1 wharves, piers, dolphins, booms, weirs, breakwaters,
2 bulkheads, jetties, bridges, or other structures of any kind
3 over, under, in, or within 40 feet of any navigable waters
4 within the district; for the deposit of rock, earth, sand, or
5 other material; or for any matter of any kind or description
6 in those waters;

7 (b) To prevent or remove obstructions, including the
8 removal of wrecks;

9 (c) To locate and establish dock lines and shore or
10 harbor lines;

11 (d) To acquire, own, construct, sell, lease, operate,
12 and maintain port and harbor, water, and land terminal
13 facilities and, subject to the provisions of Section 35, to
14 operate or contract for the operation of those facilities,
15 and to fix and collect just, reasonable, and
16 non-discriminatory charges, rentals, or fees for the use of
17 those facilities. The charges, rentals, or fees so collected
18 shall be made available to defray the reasonable expenses of
19 the district and to pay the principal of and interest on any
20 revenue bonds issued by the district;

21 (e) To enter into any agreement or contract with any
22 airport for the use of airport facilities to the extent
23 necessary to carry out any of the purposes of the district;

24 (f) To the extent authorized by the Intergovernmental
25 Cooperation Act, to enter into any agreements with any other
26 public agency of this State, including other port districts;

27 (g) To the extent authorized by any interstate compact,
28 to enter into agreements with any other state or unit of
29 local government of any other state; and

30 (h) To enter into contracts dealing in any manner with
31 the objects and purposes of this Act.

32 Section 35. Contracts for the operation of warehouses
33 and storage facilities. Any public warehouse or other public

1 storage facility owned or otherwise controlled by the
2 district shall be operated by persons under contracts with
3 the district. Any contract shall reserve reasonable rentals
4 or other charges payable to the district sufficient to pay
5 the cost of maintaining, repairing, regulating, and operating
6 the facilities and to pay the principal of and interest on
7 any revenue bonds issued by the district and may contain any
8 other conditions that may be mutually agreed upon. However,
9 upon the breach of a contract or if no contract is in
10 existence as to any facility, the district shall temporarily
11 operate the facility until a contract for its operation can
12 be negotiated.

13 Section 40. Procedure for leases or contracts for
14 operation of warehouses and storage facilities. All leases or
15 other contracts for operation of any public warehouse or
16 public grain elevator to which this Section is applicable
17 owned or otherwise controlled by the district shall be
18 governed by the following procedures. Notice shall be given
19 by the district that bids will be received for the operation
20 of the public warehouse or public grain elevator. This notice
21 shall state the time within which and the place where bids
22 may be submitted, the time and place of opening of bids, and
23 shall be published not more than 30 days nor less than 15
24 days in advance of the first day for the submission of bids
25 in any one or more newspapers designated by the district that
26 have a general circulation within the district. The notice
27 shall specify sufficient data of the proposed operation to
28 enable bidders to understand the scope of the operation;
29 provided, however, that contracts that by their nature are
30 not adapted to award by competitive bidding, such as
31 contracts for the services of individuals possessing a high
32 degree of personal skill, contracts for the purchase or
33 binding of magazines, books, periodicals, pamphlets, reports,

1 and similar articles, and contracts for utility services such
2 as water, light, heat, telephone, or telegraph, shall not be
3 subject to the competitive bidding requirements of this
4 Section, but may not be awarded without the affirmative vote
5 of 3/5ths of the Board.

6 The Board may, by ordinance, promulgate reasonable
7 regulations prescribing the qualifications of the bidders as
8 to experience, adequacy of equipment, ability to complete
9 performance within the time set, and other factors in
10 addition to financial responsibility, and may, by ordinance,
11 provide for suitable performance guaranties to qualify a bid.
12 Copies of all regulations shall be made available to all
13 bidders.

14 The district may determine in advance the minimum rental
15 that should be produced by the public warehouse or public
16 grain elevator offered and, if no qualified bid will produce
17 the minimum rental, all bids may be rejected and the district
18 shall then readvertise for bids. If after the readvertisement
19 no responsible and satisfactory bid within the terms of the
20 advertisement is received, the district may then negotiate a
21 lease for not less than the amount of minimum rental so
22 determined. If, after negotiating for a lease as provided in
23 this Section, it is found necessary to revise the minimum
24 rental to be produced by the facilities offered for lease,
25 then the district shall again readvertise for bids, as
26 provided in this Section, before negotiating a lease.

27 If the district shall temporarily operate any public
28 warehouse or public grain elevator as provided in Section 35,
29 the temporary operation shall not continue for more than one
30 year without advertising for bids for the operation of the
31 facility as provided in this Section.

32 Section 45. Obligations for expenses not to be incurred
33 until appropriations made. Unless and until the revenues from

1 operations conducted by the district are adequate to meet all
2 expenditures or unless and until otherwise determined by an
3 act of the General Assembly, the district shall not incur any
4 obligations for salaries, office, or administrative expenses
5 before the making of appropriations to meet those expenses.

6 Section 50. Acquisition of property.

7 (a) The district shall have power to acquire and accept
8 by purchase, lease, gift, grant, or otherwise any and all
9 real property, whether a fee simple absolute or a lesser
10 estate, and personal property either within or without its
11 corporate limits or any right that may be useful for its
12 purposes and to provide for the development of adequate
13 channels, ports, harbors, terminals, port facilities,
14 intermodal facilities, and terminal facilities adequate to
15 serve the needs of commerce within the district. The district
16 shall have the right to grant easements and permits for the
17 use of any real property, rights of way, or privileges that,
18 in the opinion of the Board, will not interfere with the use
19 of the district's property by the district for its primary
20 purposes and the easements and permits may contain any
21 conditions and retain any interest therein that may be deemed
22 for the best interest of the district by the Board.

23 (b) Any property or facility shall be leased or
24 operated, if at all, only by 2 or more unrelated contracting
25 parties in parcels that are as nearly equal in all respects
26 as practicable unless the Board determines that it is in the
27 best interest of the district to lease the property or
28 facility to a single contracting party.

29 The district, subject to the public bid requirements
30 prescribed in Section 40 with respect to public warehouses or
31 public grain elevators, may lease to others for any period of
32 time not to exceed 99 years upon any terms that the Board may
33 determine any of its real property, rights of way, or

1 privileges, any interest therein, or any part thereof for
2 industrial, manufacturing, commercial, recreational, or
3 harbor purposes, that is in the opinion of the Board no
4 longer required for its primary purposes in the development
5 of port, intermodal, and harbor facilities or that may not be
6 immediately needed for those purposes. Where the leases will
7 in the opinion of the Board aid and promote those purposes,
8 and in conjunction with those leases, the district may grant
9 rights of way and privileges across the property of the
10 district, which rights of way and privileges may be
11 assignable and irrevocable during the term of any lease and
12 may include the right to enter upon the property of the
13 district to do any things that may be necessary for the
14 enjoyment of the leases, rights of way, and privileges and
15 the leases may contain any conditions and retain any interest
16 that may be deemed for the best interest of the district by
17 the Board.

18 With respect to any and all leases, easements, rights of
19 way, privileges, and permits made or granted by the Board,
20 the Board may agree upon and collect the rentals, charges,
21 and fees that may be deemed for the best interest of the
22 district by the Board. The rentals, charges, and fees shall
23 be used to defray the reasonable expenses of the district and
24 to pay the principal of and interest on any revenue bonds
25 issued by the district.

26 (c) The district may dedicate to the public for highway
27 purposes any of its real property and those dedications may
28 be subject to any conditions and the retention of any
29 interest that may be deemed for the best interest of the
30 district by the Board.

31 (d) The district may sell, convey, or operate any of its
32 buildings, structures, or other improvements located upon
33 district property that may be deemed in the best interest of
34 the district by the Board.

1 Section 55. Grants, loans, and appropriations. The
2 district has power to apply for and accept grants, loans, or
3 appropriations from the federal government or any agency or
4 instrumentality thereof or the State of Illinois or any
5 agency or instrumentality thereof to be used for any of the
6 purposes of the district and to enter into any agreement with
7 the federal government, the State of Illinois, or any agency
8 or instrumentality thereof in relation to the grants, loans,
9 or appropriations.

10 Section 60. Foreign trade zones and sub-zones. The
11 district has power to apply to the proper authorities of the
12 United States of America under the appropriate law for the
13 right to establish, operate, maintain, and lease foreign
14 trade zones and sub-zones within the jurisdiction of the
15 United States Customs Service and to establish, operate,
16 maintain, and lease the foreign trade zones and sub-zones.

17 Section 65. Insurance contracts. The district has power
18 to procure and enter into contracts for any type of insurance
19 and indemnity against loss or damage to property from any
20 cause, including loss of use and occupancy, against death or
21 injury of any person, against employers' liability, against
22 any act of any member, officer, or employee of the Board or
23 of the district in the performance of the duties of his or
24 her office or employment or any other insurable risk.

25 Section 70. Borrowing money; revenue bonds.

26 (a) The district has the continuing power to borrow
27 money for the purpose of acquiring, constructing,
28 reconstructing, extending, operating, or improving terminals,
29 terminal facilities, intermodal facilities, and port
30 facilities; for acquiring any property and equipment useful
31 for the construction, reconstruction, extension, improvement,

1 or operation of its terminals, terminal facilities,
2 intermodal facilities, and port facilities; and for acquiring
3 necessary cash working funds. For the purpose of evidencing
4 the obligation of the district to repay any money borrowed,
5 the district may, by ordinances adopted by the Board from
6 time to time, issue and dispose of its interest bearing
7 revenue bonds, notes, or certificates and may also from time
8 to time issue and dispose of its interest bearing revenue
9 bonds, notes, or certificates to refund any bonds, notes, or
10 certificates at maturity or by redemption provisions or at
11 any time before maturity with the consent of the holders
12 thereof.

13 (b) All bonds, notes, and certificates shall be payable
14 solely from the revenues or income to be derived from the
15 terminals, terminal facilities, intermodal facilities, and
16 port facilities or any part thereof; may bear any date or
17 dates; may mature at any time or times not exceeding 40 years
18 from their respective dates; may bear interest at any rate or
19 rates payable semiannually; may be in any form; may carry any
20 registration privileges; may be executed in any manner; may
21 be payable at any place or places; may be made subject to
22 redemption in any manner and upon any terms, with or without
23 premium that is stated on the face thereof; may be
24 authenticated in any manner; and may contain any terms and
25 covenants as may be provided in the ordinance. The holder or
26 holders of any bonds, notes, certificates, or interest
27 coupons appertaining to the bonds, notes, and certificates
28 issued by the district may bring civil actions to compel the
29 performance and observance by the district or any of its
30 officers, agents, or employees of any contract or covenant
31 made by the district with the holders of those bonds, notes,
32 certificates, or interest coupons and to compel the district
33 and any of its officers, agents, or employees to perform any
34 duties required to be performed for the benefit of the

1 holders of any bonds, notes, certificates, or interest
2 coupons by the provision in the ordinance authorizing their
3 issuance, and to enjoin the district and any of its officers,
4 agents, or employees from taking any action in conflict with
5 any such contract or covenant, including the establishment of
6 charges, fees, and rates for the use of facilities as
7 provided in this Act. Notwithstanding the form and tenor of
8 any bonds, notes, or certificates and in the absence of any
9 express recital on the face thereof that it is nonnegotiable,
10 all bonds, notes, and certificates shall be negotiable
11 instruments. Pending the preparation and execution of any
12 bonds, notes, or certificates, temporary bonds, notes, or
13 certificates may be issued with or without interest coupons
14 as may be provided by ordinance.

15 (c) The bonds, notes, or certificates shall be sold by
16 the corporate authorities of the district in any manner that
17 the corporate authorities shall determine, except that if
18 issued to bear interest at the minimum rate permitted by Bond
19 Authorization Act, the bonds shall be sold for not less than
20 par and accrued interest and except that the selling price of
21 bonds bearing interest at a rate less than the maximum rate
22 permitted in that Act shall be such that the interest cost to
23 the district of the money received from the bond sale shall
24 not exceed such maximum rate annually computed to absolute
25 maturity of said bonds or certificates according to standard
26 tables of bond values.

27 (d) From and after the issue of any bonds, notes, or
28 certificates as provided in this Section, it shall be the
29 duty of the corporate authorities of the district to fix and
30 establish rates, charges, and fees for the use of facilities
31 acquired, constructed, reconstructed, extended, or improved
32 with the proceeds derived from the sale of the bonds, notes,
33 or certificates sufficient at all times with other revenues
34 of the district, if any, to pay (i) the cost of maintaining,

1 repairing, regulating, and operating the facilities and (ii)
2 the bonds, notes, or certificates and interest thereon as
3 they shall become due, all sinking fund requirements, and all
4 other requirements provided by the ordinance authorizing the
5 issuance of the bonds, notes, or certificates or as provided
6 by any trust agreement executed to secure payment thereof. To
7 secure the payment of any or all of bonds, notes, or
8 certificates and for the purpose of setting forth the
9 covenants and undertaking of the district in connection with
10 the issuance of those bonds, notes, or certificates and the
11 issuance of any additional bonds, notes, or certificates
12 payable from revenue income to be derived from the terminals,
13 terminal facilities, intermodal facilities, and port
14 facilities the district may execute and deliver a trust
15 agreement or agreements. A lien upon any physical property of
16 the district may be created by the trust agreement. A remedy
17 for any breach or default of the terms of any trust agreement
18 by the district may be by mandamus proceedings in the circuit
19 court to compel performance and compliance with the
20 agreement, but the trust agreement may prescribe by whom or
21 on whose behalf the action may be instituted.

22 Section 75. Bonds not obligations of the State or
23 district. Under no circumstances shall any bonds, notes, or
24 certificates issued by the district or any other obligation
25 of the district be or become an indebtedness or obligation of
26 the State of Illinois or of any other political subdivision
27 of or municipality within the State, nor shall any bond,
28 note, certificate, or obligation be or become an indebtedness
29 of the district within the purview of any constitutional
30 limitation or provision. It shall be plainly stated on the
31 face of each bond, note, and certificate that it does not
32 constitute an indebtedness or obligation but is payable
33 solely from the revenues or income of the district.

1 Section 80. Revenue bonds as legal investments. The
2 State and all counties, cities, villages, incorporated towns
3 and other municipal corporations, political subdivisions,
4 public bodies, and public officers of any thereof; all banks,
5 bankers, trust companies, savings banks and institutions,
6 building and loan associations, savings and loan
7 associations, investment companies, and other persons
8 carrying on a banking business; all insurance companies,
9 insurance associations, and other persons carrying on an
10 insurance business; and all executors, administrators,
11 guardians, trustees, and their fiduciaries may legally invest
12 any sinking funds, moneys, or other funds belonging to them
13 or within their control in any bonds, notes, or certificates
14 issued under this Act. It is the purpose of this Section to
15 authorize the investment in bonds, notes, or certificates of
16 all sinking, insurance, retirement, compensation, pension,
17 and trust funds, whether owned or controlled by private or
18 public persons or officers; provided, however, that nothing
19 contained in this Section may be construed as relieving any
20 person from any duty of exercising reasonable care in
21 selecting securities for purchase or investment.

22 Section 90. Permits. It shall be unlawful to make any
23 fill or deposit of rock, earth, sand, or other material, or
24 any refuse matter of any kind or description, or build or
25 commence the building of any wharf, pier, dolphin, boom,
26 weir, breakwater, bulkhead, jetty, bridge, or other structure
27 over, under, in, or within 40 feet of any navigable waters
28 within the district without first submitting the plans,
29 profiles, and specifications for it, and any other data and
30 information that may be required, to the district and
31 receiving a permit. Any person, corporation, company, city or
32 municipality, or other agency that does any of the things
33 prohibited in this Section without securing a permit is

1 guilty of a Class A misdemeanor. Any structure, fill, or
2 deposit erected or made in any of the public bodies of water
3 within the district in violation of the provisions of this
4 Section is declared to be a purpresture and may be abated as
5 such at the expense of the person, corporation, company,
6 city, municipality, or other agency responsible for it. If in
7 the discretion of the district it is decided that the
8 structure, fill, or deposit may remain, the district may fix
9 any rule, regulation, requirement, restrictions, or rentals
10 or require and compel any changes, modifications, and repairs
11 that shall be necessary to protect the interest of the
12 district.

13 Section 100. Heart of Illinois Regional Port District
14 Board; compensation. The governing and administrative body of
15 the district shall be a board consisting of 9 members, to be
16 known as the Heart of Illinois Regional Port District Board.
17 Members of the Board shall be residents of a county whose
18 territory, in whole or in part, is embraced by the district
19 and persons of recognized business ability. The members of
20 the Board shall not receive compensation for their services.
21 Each member shall be reimbursed for actual expenses incurred
22 in the performance of his or her duties. Any person who is
23 appointed to the office of secretary or treasurer of the
24 Board may receive compensation for services as an officer, as
25 determined by the Board. No member of the Board or employee
26 of the district shall have any private financial interest,
27 profit, or benefit in any contract, work, or business of the
28 district or in the sale or lease of any property to or from
29 the district.

30 Section 105. Board; appointments; terms of office;
31 certification and oath. The Governor, by and with the advice
32 and consent of the Senate, shall appoint 2 members of the

1 Board. Of the 2 members appointed by the Governor, at least
2 one must be a member of a labor organization, as defined in
3 Section 3 of the Workplace Literacy Act. If the Senate is in
4 recess when the appointment is made, the Governor shall make
5 a temporary appointment until the next meeting of the Senate.
6 The county board chairmen of Tazewell, Woodford, Peoria,
7 Marshall, Mason, Putnam, and Fulton Counties shall each
8 appoint one member of the Board with the advice and consent
9 of their respective county boards. Of the members initially
10 appointed, the 2 appointed by the Governor shall be appointed
11 for initial terms expiring June 1, 2009, and the 7 appointed
12 by their county board chairmen shall be appointed for initial
13 terms expiring June 1, 2010. All vacancies shall be filled in
14 a like manner and with like regard to the place of residence
15 of the appointee. After the expiration of initial terms, a
16 successor shall hold office for the term of 6 years beginning
17 the first day of June of the year in which the term of office
18 commences. The Governor and the respective county board
19 chairmen shall certify their appointments to the Secretary of
20 State. Within 30 days after certification of appointment, and
21 before entering upon the duties of his office, each member of
22 the Board shall take and subscribe the constitutional oath of
23 office and file it in the office of the Secretary of State.

24 Section 110. Resignation and removal of Board members;
25 vacancies. Members of the Board shall hold office until their
26 respective successors have been appointed and qualified. Any
27 member may resign from his or her office, to take effect when
28 his or her successor has been appointed and has qualified.
29 The Governor and the county boards may remove any member of
30 the Board appointed by them in case of incompetency, neglect
31 of duty, or malfeasance in office. They shall give the member
32 a copy of the charges against him or her and an opportunity
33 to be publicly heard in person or by counsel in his or her

1 own defense upon not less than 10 days' notice. In case of
2 failure to qualify within the time required, of abandonment
3 of office, or of death, conviction of a crime, or removal
4 from office, the office shall become vacant. Each vacancy
5 shall be filled for the unexpired term by appointment in like
6 manner, and with like regard as to the place of residence of
7 the appointee, as in case of expiration of the term of a
8 member of the Board.

9 Section 115. Organization of the Board. As soon as
10 possible after the appointment of the initial members, the
11 Board shall organize for the transaction of business, select
12 a chairperson and a temporary secretary from its own number,
13 and adopt by-laws and regulations to govern its proceedings.
14 The initial chairperson and successors shall be elected by
15 the Board from time to time for the term of his or her office
16 as a member of the Board or for the term of 3 years,
17 whichever is shorter.

18 Section 120. Meetings; ordinances and resolutions;
19 public records. Regular meetings of the Board shall be held
20 at least once in each calendar month, the time and place of
21 the meeting to be fixed by the Board. Five members of the
22 Board shall constitute a quorum for the transaction of
23 business. All action of the Board shall be by ordinance or
24 resolution and the affirmative vote of at least 5 members
25 shall be necessary for the adoption of any ordinance or
26 resolution. All ordinances and resolutions before taking
27 effect shall be approved by the chairperson of the Board. If
28 the chairperson shall approve the ordinance or resolution, he
29 or she shall sign it. Those ordinances or resolutions the
30 chairperson shall not approve the chairperson shall return to
31 the Board with his or her objections in writing at the next
32 regular meeting of the Board occurring after the passage of

1 the ordinances or resolutions. If the chairperson shall fail
2 to return any ordinance or resolution with his or her
3 objections by the time required in this Section, he or she
4 shall be deemed to have approved it and it shall take effect
5 accordingly. Upon the return of any ordinance or resolution
6 by the chairperson with his or her objections, the vote by
7 which the ordinance or resolution was passed shall be
8 reconsidered by the Board. If upon reconsideration the
9 ordinance or resolution is passed by the affirmative vote of
10 at least 6 members, it shall go into effect notwithstanding
11 the veto of the chairperson. All ordinances, resolutions, all
12 proceedings of the district, and all documents and records in
13 its possession shall be public records, and open to public
14 inspection, except any documents and records that shall be
15 kept or prepared by the Board for use in negotiations,
16 actions, or proceedings to which the district is a party.

17 Section 125. Secretary and treasurer; oath and bond. The
18 Board shall appoint a secretary and a treasurer who need not
19 be members of the Board to hold office during the pleasure of
20 the Board. The Board shall fix their duties and compensation.
21 Before entering upon the duties of their respective offices,
22 they shall take and subscribe the constitutional oath of
23 office and the treasurer shall execute a bond with corporate
24 sureties to be approved by the Board. The bond shall be
25 payable to the district in whatever penal sum may be directed
26 by the Board conditioned upon the faithful performance of the
27 duties to the office and the payment of all money received by
28 him or her according to law and the orders of the Board. The
29 Board may, at any time, require a new bond from the treasurer
30 in any penal sum that may be determined by the Board. The
31 obligation of the sureties shall not extend to any loss
32 sustained by the insolvency, failure, or closing of any
33 savings and loan association or national or State bank

1 wherein the treasurer has deposited funds if the bank or
2 savings and loan association has been approved by the Board
3 as a depository for those funds. The oaths of office and the
4 treasurer's bond shall be filed in the principal office of
5 the district.

6 Section 130. Deposits; checks or drafts.

7 (a) All funds deposited by the treasurer in any bank or
8 savings and loan association shall be placed in the name of
9 the district and shall be withdrawn or paid out only by check
10 or draft upon the bank or savings and loan association,
11 signed by the treasurer and countersigned by the chairperson
12 of the Board. The Board may designate any of its members or
13 any officer or employee of the district to affix the
14 signature of the chairperson and another to affix the
15 signature of the treasurer to any check or draft for payment
16 of salaries or wages and for payment of any other obligation
17 of not more than \$10,000.

18 No bank or savings and loan association shall receive
19 public funds as permitted by this Section unless it has
20 complied with the requirements established under Section 6 of
21 the Public Funds Investment Act.

22 (b) In case any officer whose signature appears upon any
23 check or draft issued under this Act ceases to hold his or
24 her office before the delivery of the check or draft to the
25 payee, his or her signature nevertheless shall be valid and
26 sufficient for all purposes with the same effect as if he or
27 she had remained in office until delivery of the check or
28 draft.

29 Section 135. Prompt payment. Purchases made under this
30 Act shall be made in compliance with the Local Government
31 Prompt Payment Act.

1 Section 140. Executive director, officers, and
2 employees. The Board may appoint an executive director, who
3 shall be a person of recognized ability and business
4 experience, to hold office during the pleasure of the Board.
5 The executive director shall have management of the
6 properties, business, and the employees of the district
7 subject to the general control of the Board; shall direct the
8 enforcement of all ordinances, resolutions, rules, and
9 regulations of the Board; and shall perform any other duties
10 that may be prescribed from time to time by the Board. The
11 Board may appoint a general attorney and a chief engineer and
12 shall provide for the appointment of any other officers,
13 attorneys, engineers, consultants, agents, and employees that
14 may be necessary. The Board shall define their duties and
15 require bonds of those that it may designate.

16 The executive director, general attorney, chief engineer,
17 and all other officers provided for under this Section shall
18 be exempt from taking and subscribing any oath of office and
19 shall not be members of the Board. The compensation of the
20 executive director, general attorney, chief engineer, and all
21 other officers, attorneys, consultants, agents, and employees
22 shall be fixed by the Board, subject to the provisions of
23 Section 125 of this Act.

24 Section 145. Fines and penalties. The Board shall have
25 power to pass all ordinances and to make all rules and
26 regulations proper or necessary to carry into effect the
27 powers granted to the district, with any fines or penalties
28 that may be deemed proper. All fines and penalties shall be
29 imposed by ordinances that shall be published in a newspaper
30 of general circulation published in the area embraced by the
31 district. No ordinance shall take effect until 10 days after
32 its publication.

1 Section 150. Report and financial statement. As soon
2 after the end of each fiscal year as may be expedient, the
3 Board shall prepare and print a complete and detailed report
4 and financial statement of its operations and of its assets
5 and liabilities. A reasonably sufficient number of copies of
6 the report shall be printed for distribution to persons
7 interested, upon request, and a copy of the report shall be
8 filed with the Governor and the county clerk of each county
9 that is within the area of the district. A copy of the report
10 shall be addressed to and mailed to the mayor and city
11 council or president and board of trustees of each
12 municipality within the area of the district.

13 Section 155. Investigations by the Board. The Board may
14 investigate conditions in which it has an interest within the
15 area of the district; the enforcement of its ordinances,
16 rules, and regulations; and the action, conduct, and
17 efficiency of all officers, agents, and employees of the
18 district. In the conduct of investigations the Board may hold
19 public hearings on its own motion and shall do so on
20 complaint of any municipality within the district. Each
21 member of the Board shall have power to administer oaths and
22 the secretary, by order of the Board, shall issue subpoenas
23 to secure the attendance and testimony of witnesses and the
24 production of books and papers relevant to investigations and
25 to any hearing before the Board or any member of the Board.

26 Any circuit court of this State, upon application of the
27 Board or any member of the Board, may in its discretion
28 compel the attendance of witnesses, the production of books
29 and papers, and giving of testimony before the Board, before
30 any member of the Board, or before any officers' committee
31 appointed by the Board by attachment for contempt or
32 otherwise in the same manner as the production of evidence
33 may be compelled before the court.

1 Section 160. Annexation. Territory that is contiguous to
2 the district and that is not included within any other port
3 district may be annexed to and become a part of the district
4 in the manner provided in Section 165 or 170, whichever is
5 applicable.

6 Section 165. Petition for annexation. At least 5% of the
7 legal voters resident within the limits of the proposed
8 addition to the district shall petition the circuit court for
9 a county in which a major part of the district is situated,
10 to cause the question of whether the proposed additional
11 territory shall become a part of the district to be submitted
12 to the legal voters of the proposed additional territory. The
13 petition shall be addressed to the court and shall contain a
14 definite description of the boundaries of the territory to be
15 embraced in the proposed addition.

16 Upon the filing of any petition with the clerk of the
17 court, the court shall fix a time and place for a hearing
18 upon the subject of the petition.

19 Notice shall be given by the court to whom the petition
20 is addressed or by the circuit clerk or sheriff of the county
21 in which the petition is made at the order and direction of
22 the court of the time and place of the hearing upon the
23 subject of the petition at least 20 days before the hearing
24 by at least one publication of the notice in any newspaper
25 having general circulation within the area proposed to be
26 annexed, and by mailing a copy of the notice to the mayor or
27 president of the board of trustees of all cities, villages,
28 and incorporated towns within the district.

29 At the hearing the district, all persons residing or
30 owning property within the district, and all persons residing
31 in or owning property situated in the area proposed to be
32 annexed to the district may appear and be heard touching upon
33 the sufficiency of the petition. If the court finds that the

1 petition does not comply with the requirements of the law,
2 the court shall dismiss the petition. If the court finds that
3 the petition is sufficient, the court shall certify the
4 petition and the proposition to the proper election officials
5 who shall submit the proposition to the voters at an election
6 under the general election law. In addition to the
7 requirements of the general election law, the notice of the
8 referendum shall include a description of the area proposed
9 to be annexed to the district.

10 The proposition shall be in substantially the following
11 form:

12 Shall (description of the territory proposed to be
13 annexed) join the Heart of Illinois Regional Port
14 District?

15 The votes shall be recorded as "Yes" or "No".

16 The court shall cause a statement of the result of the
17 referendum to be filed in the records of the court.

18 If a majority of the votes cast upon the question of
19 annexation to the district are in favor of becoming a part of
20 the district, the court shall then enter an order stating
21 that the additional territory shall thenceforth be an
22 integral part of the Heart of Illinois Regional Port District
23 and subject to all of the benefits of service and
24 responsibilities of the district. The circuit clerk shall
25 transmit a certified copy of the order to the circuit clerk
26 of any other county in which any of the territory affected is
27 situated.

28 Section 170. Annexation of territory having no legal
29 voters. If there is territory contiguous to the district that
30 has no legal voters residing within it, a petition to annex
31 the territory signed by all the owners of record of the
32 territory may be filed with the circuit court for the county
33 in which a major part of the district is situated. A time and

1 place for a hearing on the subject of the petition shall be
2 fixed and notice of the hearing shall be given in the manner
3 provided in Section 165. At the hearing any owner of land in
4 the territory proposed to be annexed, the district, and any
5 resident of the district may appear and be heard touching on
6 the sufficiency of the petition. If the court finds that the
7 petition satisfies the requirements of this Section, it shall
8 enter an order stating that thenceforth the territory shall
9 be an integral part of the Heart of Illinois Regional Port
10 District and subject to all of the benefits of service and
11 responsibilities of the district. The circuit clerk shall
12 transmit a certified copy of the order of the court to the
13 circuit clerk of any other county in which the annexed
14 territory is situated.

15 Section 172. Disconnection. The registered voters of a
16 county included in the district may petition the State Board
17 of Elections requesting the submission of the question of
18 whether the county should be disconnected from the district
19 to the electors of the county. The petition shall be
20 circulated in the manner required by Section 28-3 of the
21 Election Code and objections thereto and the manner of their
22 disposition shall be in accordance with Section 28-4 of the
23 Election Code. If a petition is filed with the State Board of
24 Elections, signed by not less than 5% of the registered
25 voters of the county or that portion of the county that is
26 within the district, requesting that the question of
27 disconnection be submitted to the electors of the county, the
28 State Board of Elections must certify the question to the
29 proper election authority, which must submit the question at
30 a regular election held at least 78 days after the petition
31 is filed in accordance with the Election Code.

32 The question must be submitted in substantially the
33 following form:

1 Shall (name of county) be disconnected from the
2 Heart of Illinois Regional Port District?

3 The votes must be recorded as "Yes" or "No". If a majority of
4 the electors voting on the question vote in the affirmative,
5 the county or portion of the county that is within the
6 district shall be disconnected from the district.

7 Section 175. Administrative Review Law. All final
8 administrative decisions of the Board, shall be subject to
9 judicial review under the provisions of the Administrative
10 Review Law and the rules adopted under that Act. The term
11 "administrative decision" means the same as in Section 3-101
12 of the Code of Civil Procedure.

13 Section 180. Severability. If any provision of this Act
14 or its application to any person or circumstance is held
15 invalid, the invalidity of that provision or application does
16 not affect other provisions or applications of this Act that
17 can be given effect without the invalid provision or
18 application.

19 Section 185. Interference with private facilities. The
20 provisions of this Act shall not be considered as impairing,
21 altering, modifying, repealing, or superseding any of the
22 jurisdiction or powers of the Illinois Commerce Commission or
23 of the Department of Natural Resources under the Rivers,
24 Lakes, and Streams Act. Nothing in this Act or done under its
25 authority shall apply to, restrict, limit, or interfere with
26 the use of any terminal, terminal facility, intermodal
27 facility, or port facility owned or operated by any private
28 person for the storage or handling or transfer of any
29 commodity moving in interstate commerce or the use of the
30 land and facilities of a common carrier or other public
31 utility and the space above that land and those facilities or

1 the right to use that land and those facilities in the
2 business of any common carrier or other public utility,
3 without approval of the Illinois Commerce Commission and
4 without the payment of just compensation to any common
5 carrier or other public utility for damages resulting from
6 any restriction, limitation, or interference.

7 Section 190. Non-applicability of conflicting provisions
8 of the Illinois Municipal Code. The provisions of the
9 Illinois Municipal Code shall not be effective within the
10 area of the district insofar as the provisions of that Act
11 conflict with the provisions of this Act or grant
12 substantially the same powers to any municipal corporation
13 that are granted to the district by this Act.

14 Section. 999. Effective date. This Act takes effect upon
15 becoming law.".